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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	MM Docket No. 97-138
Review of the Commission's Rules	)	RM-8855
regarding the main studio and	)	RM-8856
local public inspection files of	)	RM-8857
broadcast television and radio stations	)	RM-8858
	)	RM-8872

To: The Commission

**REPLY COMMENTS**

Cornerstone Community Radio, Inc. ("CCR"), and LUJ, Inc. ("LUJ"), through their attorney, hereby submits these brief Reply Comments concerning the FCC's *Notice of Proposed Rule Making*, FCC 97-182, released May 28, 1997, to revise the rules to allow broadcast licensees greater flexibility in selecting a main studio location. CCR is the licensee of noncommercial educational FM broadcast stations WWGN, Ottawa, Illinois, and WLGM, Springfield, Illinois, and the permittee of NCE-FM broadcast station WGNJ, St. Joseph, Illinois. LUJ is the licensee of FM broadcast station WLUI, Petersburg, Illinois; WLUI is supported by listener contributions although it operates on a frequency in the unreserved portion of the band.

In the *Notice of Proposed Rule Making*, the FCC made only three specific proposals. It suggested (§ 14) that a station might be permitted to locate its main studio anywhere within the principal community contour of any other station licensed to the same community; it also suggested a fixed mileage zone from the center of the community of license (§ 15). In the case of commonly-owned stations, it suggested (§ 15) allowing the stations to locate a common main studio anywhere

within the “same local market,” defined as total area of overlapping principal community contours. In Comments concerning the *Notice of Proposed Rule Making*, the National Association of Broadcasters endorsed the adoption of both the first proposal and, alternatively, a forty-mile radius around the center of the community of license.

When the FCC first revised its main studio rule in 1987, Report and Order, Amendment of Main Studio and Program Origination Rules for Radio and Television and Radio Broadcast Stations, 2 FCC Rcd 3215 (1987), to permit a station to locate its main studio anywhere within its principal community contour, it observed that the role of the main studio in the production of programming had diminished over the years, that community residents often communicate with stations by telephone or mail rather than visiting the studio, and that the growth of modern highways and mass transit systems had reduced travel times. Those trends, if anything, have accelerated in the last ten years. In addition, listeners increasingly rely on other means to communicate with or express their comments to stations, including fax and e-mail, and stations in many instances reach listeners via Internet web sites.

The 1987 relaxation of the main studio provided much-needed flexibility, but for noncommercial stations, lower-power stations, and stations licensed to rural communities, the relief provided was much less significant than it was for higher-powered stations. Indeed, for WLGM, which is currently licensed to operate with only 500 watts ERP, the revised rule provided virtually no relief at all, a fact aggravated by the FCC’s adoption of a policy of not granting any waivers of the rule under any but the most extreme circumstances. *See, e.g., Maines Broadcasting, Inc.*, 73 P&F RR 2d 895 (1993) (licensee required to demonstrate unavailability of a suitable studio site anywhere within the principal community contour). The limited nature of the relief provided by the 1987 rule

is particularly significant for listener-supported stations such as those operated by CCR and WLUI, which, in the name of preserving a certain level of accessibility to residents of their communities of license, must necessarily make access to their facilities more difficult for dedicated listeners in larger population centers within their service areas but beyond the principal community contour.

The FCC should be certain, therefore, that the additional flexibility afforded by the new rules provides meaningful relief to stations of all classes, in all situations. By itself, the proposal to allow a main studio location anywhere within the principal community contour of any station licensed to the same community would not achieve this objective. WLUI, for example, is the only station licensed to its community. The other stations licensed to WWGN's community are low power AM and FM stations. This proposal, therefore, would provide no new flexibility, but only perpetuate a sort of shared inflexibility.

Some other standard, therefore, is necessary. A fixed mileage zone, if extended sufficiently, would be one answer. At the same time, such zones are inherently arbitrary. If, for example, a station could locate a main studio anywhere within a 40-mile radius, why would a main studio 40.5 miles from the community of license necessarily be inconsistent with the public interest? A fixed zone, moreover, does not necessarily have any relationship to a particular station's service area. Lower power stations do not, for example, serve a forty-mile radius. And, for listener-supported stations, a lesser radius might not allow them to choose a location convenient to the population center they rely on for support.

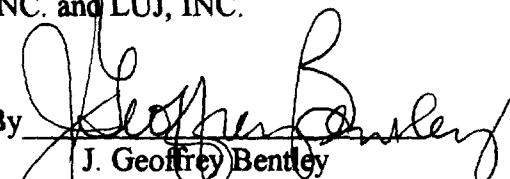
Keeping in mind the "bedrock" obligation of stations to provide programming responsive to the important problems confronting their communities of license, the FCC should allow noncommercial educational stations, and lower-power AM and FM stations (e.g., Class A, B1, C3

and D FM stations), to locate their main studios anywhere within the reliable service contour. This approach will have two significant advantages. First, because these stations are, by and large, authorized to operate with less than 50 or 100 kilowatts of power, their main studio locations will necessarily continue to be reasonably accessible to residents of their communities of license. Second, because the reliable service contour is a matter of record with the FCC, there will be no necessity for any additional submissions to the FCC to demonstrate compliance with the main studio rule.

This is not to say that the FCC should not adopt other proposals, to provide additional flexibility to more powerful stations, stations licensed to urban centers, and stations under common ownership. It should be certain, however, that the rules it adopts also offer a measure of relief to listener-supported stations, lower power stations, and stations licensed to rural communities. A "reliable service contour" standard would benefit such stations, without unreasonably attenuating the relationship between the stations and their communities of license.

Respectfully submitted,

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INC. and LUJ, INC.

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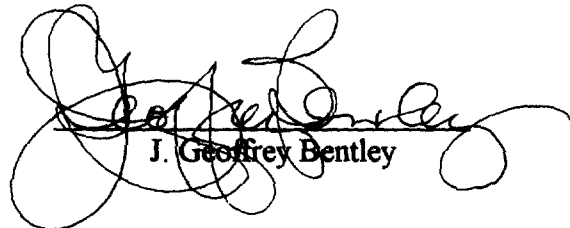
Its Attorney

September 8, 1997

**CERTIFICATE OF SERVICE**

I hereby certify that, this 8th day of September 1997, I caused a copy of the foregoing Reply Comments of Cornerstone Community Radio, Inc., and LUJ, Inc., to be served by first class U.S. mail, postage prepaid, on:

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